

Remarks

Request under 37 CFR 1.48(a)

Applicants have submitted with this amendment, a 37 CFR 1.48(a) Request, stating that Jon A. Wolff, Kirk Ekena, and James E. Hagstrom are inventors of the instant application.

Rejection of the claims under 35 USC §102:

Claims 1, 3-7, 10-16, and 19-20 have been rejected under 35 U.S.C. 102(e or a) as being anticipated by Pinchuk et al. (US 2002/0107330) ('330). The Action states that the polyvinyl ether polymers comprising the thiol-based modifications (S-nitroso-thiols) taught by Pinchuk et al. read on the pH labile modifications recited in the instant claims. With this letter, Applicants have provided a declaration under 37 C.F.R. 1.132 showing that the structures taught by Pinchuk et al. do not teach a pH labile reversible modification of a polyamine.

Claims 1, 3-5, 7, 10-15, 17, and 19-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wolff et al. (US 20010036926).

Claims 1, 3-5, 7-15, 17, and 19-20 have been rejected under 35 U.S.C. 102(e) as being anticipated by Wolff et al. (US 7,087,770).

Claims 1, 3-5, 7, 10-15 and 17-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff et al. in view of Blazyk (WO 200160162).

Claims 18 has been rejected of nonstatutory obviousness-type double patenting as being unpatentable over Wolff et al. in view of Blazyk (WO 200160162).

The Action states on page 5 that Applicant's own specification describes what Applicants consider to be the reversible modification of a polyvinylether amine. The example provided in the Action does NOT describe what Applicants consider to be the reversible modification of a polyvinylether amine. The example shown in the Action illustrates attachment of a RNA to a 2-pyridyldithio group. The 2-pyridyldithio group is in fact attached to an amine group, however, it is not attached by a labile covalent bond. The SATA-RNA is attached to the 2-pyridyldithio group to form a reversible disulfide linkage. Cleavage of this linkage does not restore an amine. Further, with this letter, Applicants have provided a declaration under 37

C.F.R. 1.132 showing that the structures taught by US 20010036926 and 7,087,770 do not teach a labile reversible modification of a polyamine.

Claims 1, 3-7, and 10-13 have been rejected under 35 U.S.C. 102(e) as being anticipated by Rozema et al. (US Patent Number 7,019,113). With this letter, Applicants have submitted a delcalration under 37 C.F.R. 1.132 showing that the reference was derived from the inventor of this application and is thus not the invention by another.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1, 3-7, and 10-20 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the USPTO on this date: October 31, 2008.

/Kirk Ekena/
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